

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of

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MUR 4716

Dick Lane for Congress Committee, and

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Dick Lane as Treasurer

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RESPONSE TO GENERAL COUNSEL'S BRIEF

STATEMENT OF THE CASE

This response sets forth the position of the Dick Lane for Congress Committee, and Dick Lane as Treasurer as to the factual and legal issues in this matter and the General Counsel's positions that there is probable cause to believe a violation occurred.

FACTS

The Dick Lane for Congress Committee was and is a political committee and was the authorized sole campaign committee for Dick Lane's campaign for Congress in 1996.

The fact that a campaign treasurer is personally responsible for reports means that I, Dick Lane, was forced to become my own treasurer. No one wanted the job, particularly since the campaign was so underfunded and the position was unpaid.

All reports were filed on time until the October report, due October 15, 1996. The deadline was missed, as was the 12 Day Pre-General Report, due October 24. I am not an experienced accountant, so compiling and typing the reports took me hours of intensive work. In the last three weeks of the campaign, there were no extra hours and I had to make a choice of foregoing campaign commitments or working on the Reports.

My justification for my action was and is based on the rationale for the Reports themselves, i.e., the public has a right to know about any huge inflow of contributions that might be decisive in the final days of a race. Since the receipts from July 1 to September 30, covered in the October 15 Report, totaled only \$8,125, and the receipts in the 12 Day Pre-General Report totaled \$2,270, for a grand total of \$10,395, I felt the public was not being denied the vital electoral information the Reports are designed to disclose. There was certainly no desire or attempt to do so. Most of that money came from my own pocket, which I paid in order to meet my campaign's contractual obligations.

ANALYSIS

Naturally, the above facts did not relieve me from the obligation to file, which I did on November 6, 1996, the day after the election, despite the psychological depression that set in with the large defeat I suffered.

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The apparent desire to punish me out of all proportion to the amounts involved, rather than settle the matter, seems like retribution. If, on the other hand, redemption is the objective, I can say that I have learned my lesson and in my current campaign you will please note that I have opted for the Commission's new electronic filing method. All reports have been made on time, including this year's October and the 12 Day Reports.

Lastly, I would like to point out that I am the only candidate in all the Congressional races in California to post my contributions, within 48 hours of their being received, on my campaign web site, for all to see. This offers the public a very high level of transparency about my campaign. No one has to wait for my FEC filings to see how much and from whom I receive money.

For these reasons, I respectfully request the Commission to find there is no probable cause and no reason for the General Counsel to continue the investigation.

October 23, 1998


Dick Lane